IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
GOVERNMENT APPEAL No. 38 of 2003

State of Uttarakhand .... Appellant

Versus

Laxmi Dutt Bhatt
S/o Sri Mahadev Bhatt,
R/o Village Kana, Patwari Kshetra-Jageshwar,
Tehsil & District-Almora ... Respondent

Dated: November 02, 2007

Sri Prabhakar Joshi, learned brief holder for the appellant/State
None appears on behalf of the respondent.

HON. DHARAM VEER, J.

This appeal, preferred under Section 378(3) of The Code of Criminal Procedure 1973 (*hereinafter to be referred as Cr.P.C.*) is directed against the judgment and order dated 29.10.2002 passed by Sessions Judge, Almora in Criminal Revision No.07/02 whereby, the learned Sessions Judge has dismissed the revision preferred by the appellants/State and confirmed the order passed by C.J.M., Almora in Criminal Complaint Case No.79/01.

Notice were issued to respondent Laxmi Dutt Bhatt by this Court on 17.09.2007. In compliance of that order, Incharge C.J.M., Almora vide his report dated 12.10.2007 has informed that respondent-Laxmi Dutt Bhatt had died before three years.

In view of the fact that the respondent-Laxmi Dutt Bhatt has died before three years the appeal against him stands abated.

Hence, the leave to appeal application is refused.

Leave to appeal application is disposed of accordingly.

(Dharam Veer, J.)

November 02, 2007
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